HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 779 OF 2007

Between:

Madanlal

..... Petitioner

AND

The Commissioner,
Kamareddy Municipality,
Kamareddy, Nizamabad District

.....Respondent

:: O R D E R ::

Counsel for the petitioner : Shri R.N.Hemendranath Reddy

Counsel for the respondent : Shri Polisetti Radha Krishna

Dated: 17.01.2007

Per G.S.SINGHVI, CJ

This petition filed for quashing notice dated 09.11.2006 issued by Commissioner, Municipal Council, Kamareddy requiring the petitioner to pay Rs.1,36,376/- towards property tax for the half year of 2006-07 is liable to be dismissed on the short ground that as per his own assertion, the petitioner is not the owner of the property and, as such, he does not owe anything to the municipality by way of tax.

In paragraphs 3, 4 and 7 of his affidavit, the petitioner has categorically averred that he has nothing to do with the property bearing No.5-4-130 situated adjacent to N.H.7 Road, Kamareddy; that the said property was constructed by his son, Manoharlal after obtaining permission from the Municipal Council; that in the year 1998, the property was partitioned between Manoharlal and his wife and son under a registered partnership deed, and that the building in respect of which notice has been issued was let out by his grandson, M. Rajendra Kumar, who is residing at Hyderabad.

In view of the above noted assertions, we do not find any justification to entertain the writ petition filed by the petitioner for quashing the impugned notice.

Even if the petitioner was the owner of the property, we would have declined to entertain the writ petition because an effective alternative remedy of appeal is available to the aggrieved person under Schedule II of the Andhra Pradesh Municipalities Act, 1965.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.985 of 2007 filed by the petitioner for interim relief is

also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

17.01.2007
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